

PROTECTION OF AMERICAN CITIZENS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RELATIVE TO

*The protection of the lives and property of American citizens in transit
over the several routes through Central America.*

FEBRUARY 22, 1859.—Read, referred to the Committee on Foreign Affairs, and ordered
to be printed.

To the Senate and House of Representatives:

The brief period which remains of your present session, and the great urgency and importance of legislative action, before its termination, for the protection of American citizens and their property whilst in transit across the Isthmus routes between our Atlantic and Pacific possessions, render it my duty again to recall this subject to your notice. I have heretofore presented it in my annual messages, both of December, 1857 and 1858, to which I beg leave to refer. In the latter I state that “the executive government of this country, in its intercourse with foreign nations, is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua, even to prevent the destruction of the transit and protect the lives and property of our own citizens on their passage. It is true that on a sudden emergency of this character the President would direct any armed force in the vicinity to march to their relief, but in doing this he would act upon his own responsibility.

“Under these circumstances, I earnestly recommend to Congress the passage of an act authorizing the President, under such restrictions as they may deem proper, to employ the land and naval forces of the United States in preventing the transit from being obstructed or closed by lawless violence, and in protecting the lives and property of American citizens travelling thereupon, requiring at the same time that these forces shall be withdrawn the moment the danger shall have passed away. Without such a provision our citizens will be constantly exposed to interruption in their progress, and to lawless violence.

“A similar necessity exists for the passage of such an act for the protection of the Panama and Tehuantepec routes.”

Another subject, equally important, commanded the attention of the Senate at the last session of Congress.

The republics south of the United States on this continent have, unfortunately, been frequently in a state of revolution and civil war ever since they achieved their independence. As one or the other party has prevailed and obtained possession of the ports open to foreign commerce, they have seized and confiscated American vessels and their cargoes in an arbitrary and lawless manner, and exacted money from American citizens by forced loans, and other violent proceedings, to enable them to carry on hostilities. The executive governments of Great Britain, France, and other countries, possessing the war-making power, can promptly employ the necessary means to enforce immediate redress for similar outrages upon their subjects. Not so the executive government of the United States. If the President orders a vessel-of-war to any of these ports to demand prompt redress for outrages committed, the offending parties are well aware that in case of refusal the commander can do no more than remonstrate. He can resort to no hostile act. The question must then be referred to diplomacy, and in many cases adequate redress can never be obtained. Thus American citizens are deprived of the same protection, under the flag of their country, which the subjects of other nations enjoy. The remedy for this state of things can only be supplied by Congress, since the Constitution has confided to that body alone the power to make war. Without the authority of Congress, the Executive cannot lawfully direct any force, however near it may be to the scene of difficulty, to enter the territory of Mexico, Nicaragua, or New Granada, for the purpose of defending the persons and property of American citizens, even though they may be violently assailed whilst passing in peaceful transit over the Tehuantepec, Nicaragua, or Panama routes. He cannot, without transcending his constitutional power, direct a gun to be fired into a port, or land a seaman or marine to protect the lives of our countrymen on shore, or to obtain redress for a recent outrage on their property. The banditti which infest our neighboring republic of Mexico, always claiming to belong to one or other of the hostile parties, might make a sudden descent on Vera Cruz or on the Tehuantepec route, and he would have no power to employ the force on ship-board in the vicinity for their relief, either to prevent the plunder of our merchants or the destruction of the transit.

In reference to countries where the local authorities are strong enough to enforce the laws the difficulty here indicted can seldom happen; but where this is not the case, and the local authorities do not possess the physical power, even if they possess the will, to protect our citizens within their limits, recent experience has shown that the American Executive should itself be authorized to render this protection. Such a grant of authority, thus limited in its extent, could in no just sense be regarded as a transfer of the war-making power to the Executive, but only as an appropriate exercise of that power by the body to whom it exclusively belongs. The riot at Panama in

1856, in which a great number of our citizens lost their lives, furnishes a pointed illustration of the necessity which may arise for the exertion of this authority.

I therefore earnestly recommend to Congress, on whom the responsibility exclusively rests, to pass a law before their adjournment conferring on the President the power to protect the lives and property of American citizens in the cases which I have indicated, under such restrictions and conditions as they may deem advisable. The knowledge that such a law exists would of itself go far to prevent the outrages which it is intended to redress, and to render the employment of force unnecessary.

Without this the President may be placed in a painful position before the meeting of the next Congress. In the present disturbed condition of Mexico, and one or more of the other republics south of us, no person can foresee what occurrences may take place before that period. In case of emergency, our citizens, seeing that they do not enjoy the same protection with subjects of European governments, will have just cause to complain. On the other hand, should the Executive interpose, and especially should the result prove disastrous, and valuable lives be lost, he might subject himself to severe censure for having assumed a power not confided to him by the Constitution. It is to guard against this contingency that I now appeal to Congress.

Having thus recommended to Congress a measure which I deem necessary and expedient for the interest and honor of the country, I leave the whole subject to their wisdom and discretion.

JAMES BUCHANAN.

WASHINGTON, *February* 18, 1859.

